

HB 701 – Changes to legal status of enumerated activities

Things that are now legal	Things that are civil infractions	Things that remain illegal
Possession of 1 oz or less of marijuana if 21 or older	Cultivating or storing marijuana outside of a locked space	Operating or being in physical control of motorized transport while under the influence of marijuana
Gifting 1 oz or less of marijuana to someone 21 or older	Smoking marijuana in a public place	Consuming marijuana while operating motorized transport
Possessing up to 2 mature plants and 2 seedlings at a private residence	Possessing 1 oz or less of marijuana if under 21	Smoking or consuming marijuana while a passenger in an enclosed motorized transport
Possessing paraphernalia if 18 or older	Possessing paraphernalia if under 18	Delivering marijuana to a person under 21
Selling or gifting paraphernalia to someone 18 or older	Possessing more than 1 oz but less than 2 oz of marijuana if over 21	Consumption of marijuana if under 21
	Possessing with the intent to deliver more than 1 oz but less than 2 oz of marijuana if age 21 or older	Transporting marijuana if under 21 and not an employee of a licensed marijuana business
	Gifting more than 1 oz or less than 2 oz of marijuana if age 21 or older	Possessing or consuming marijuana on school property
		Possessing or consuming marijuana on public transportation
		Possessing or consuming marijuana in a health care facility
		Possessing or consuming marijuana in a hotel room
		Using marijuana where tobacco is prohibited
		Consuming marijuana in a public place
		"Conduct that endangers others"
		Cultivating marijuana where it is visible from the street or public area

HB 701 – Effect of Amendments to Criminal Statutes

Statute	Title	What was previously illegal	Eligible for Expungement	Eligible for Redesignation	No eligibility / still illegal
45-9-101	Criminal distribution of dangerous drugs	Giving away up to 60g to a person age 21 or older	If 1 oz or less is gifted to a person age 21 or older	If more than 1 oz but less than 2 oz is gifted to a person age 21 or older	If more than 2 oz but less than 2.116 oz is gifted
		Selling up to 60g			Selling up to 60g (2.116 oz)
					Giving away or selling to a person under age 21
45-9-102	Criminal possession of dangerous drugs	Possessing any quantity of marijuana (misdemeanor for 60g or less / felony for over 60g)	Possessing 1 oz or less if age 21 or older	Possessing more than 1 oz but less than 2 oz	Possessing more than 2 oz
45-9-103	Criminal possession with intent to distribute	Possessing with intent to distribute any quantity of marijuana	If intent was to gift 1 oz or less to a person age 21 or older	If intent was to gift more than 1 oz but less than 2 oz to a person age 21 or older	If intent was to sell, barter, etc., any quantity of marijuana
					If intent was to gift more than 2 oz to a person age 21 or older
45-9-110	Criminal production or manufacture of dangerous drugs	Growing marijuana	Possessing, planting or cultivating up to 2 mature plants and 2 seedlings in or on the grounds of a private residence if the defendant owns the residence or has written permission from the owner		Possessing, planting or cultivating more than 2 mature plants and 2 seedlings
					Growing or storing the plants in a place other than a private residence
					Growing without permission from the residence's owner

45-10-103	Criminal possession of drug paraphernalia	Possession of anything constituting paraphernalia	Possession of anything constituting marijuana paraphernalia if age 18 or older	Possession of anything constituting marijuana paraphernalia if under 18	
45-10-104	Manufacture or delivery of drug paraphernalia	Manufacturing or delivering, or possessing with intent to deliver, anything constituting paraphernalia	Manufacturing or delivering, or possessing with intent to deliver, anything constituting marijuana paraphernalia to a person age 18 or older		Manufacturing or delivering, or possessing with intent to deliver, anything constituting marijuana paraphernalia to a person under age 18